

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 52, “Wildlife Refuges,” Iowa Administrative Code.

These rules give the regulations for establishing wildlife refuges or sanctuaries for the purpose of preserving the biological balance pursuant to the provisions of Iowa Code section 481A.39 and to effect sound wildlife management.

These amendments are proposed to reclassify some existing refuges for the purposes of improving public use and safety and reducing the time required to post refuges each fall. No new refuges are being established.

Any interested person may make written suggestions or comments on the proposed amendments on or before June 21, 2011. Written comments may be directed to Bureau Chief, Wildlife Bureau, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; by E-mail at [wildlife@dnr.iowa.gov](mailto:wildlife@dnr.iowa.gov); or by fax at (515)281-6794. Persons who wish to convey their comments orally may contact the Wildlife Bureau by telephone at (515)281-5034 or by visiting the fourth floor of the Wallace State Office Building during regular business hours.

There will be a public hearing on June 21, 2011, at 1 p.m. in the auditorium on the second floor of the Wallace State Office Building. At the public hearing, persons may present their views either orally or in writing. Participants will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department of Natural Resources and request specific accommodations.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 481A.5, 481A.6, 481A.9 and 481A.39.

The following amendments are proposed.

ITEM 1. Amend subrule 52.1(2) as follows:

**52.1(2) Wildlife refuges.**

~~a. Restrictions.~~ The following areas under the jurisdiction of the department of natural resources are established as ~~game~~ wildlife refuges where posted. It shall be unlawful to hunt, pursue, kill, trap, or take any wild animal, bird, or game on these areas at any time, and no one shall carry firearms thereon, except where and when specifically authorized by the department of natural resources. It shall also be unlawful to trespass in any manner on the following areas, where posted, ~~between the dates of September 1 and January 31 of each year, during the dates posted,~~ both dates inclusive, except that department personnel, and law enforcement officials, and other persons specifically authorized by the department of natural resources may enter the area at any time in performance of their duties, and hunters, under the supervision of department staff, may enter the area when specifically authorized by the department of natural resources.

<u>Area</u>	<u>County</u>
Lake Icaria .....	Adams
Pool Slough Wildlife Area .....	Allamakee

Rathbun Area	Appanoose, Lucas, Wayne
Sedan Bottoms	Appanoose
Wildlife Exhibit Area	Boone
Sweet Marsh	Bremer
Big Marsh	Butler
South Twin Lake	Calhoun
Ventura Marsh	Cerro Gordo
Round Lake	Clay
Allen Green Refuge	Des Moines
Henderson	Dickinson
Jemmerson Slough Complex	Dickinson
Spring Run	Dickinson
Ingham Lake	Emmet
Forney Lake	Fremont
Riverton Area	Fremont
Dunbar Slough	Greene
Bays Branch	Guthrie
Crystal Hills	Hancock
Eagle Flats	Hancock
Eagle Lake	Hancock
Green Island Area	Jackson
Hawkeye Wildlife Area	Johnson
Muskrat Slough	Jones
Colyn Area	Lucas
Red Rock Area	Marion, Polk, Warren
Gladys Black Eagle Refuge	Marion
Badger Lake	Monona
Tieville/Decatur Bend	Monona
Five Island Lake	Palo Alto
Big Creek-Saylorville Complex	Polk
Chichaqua Area	Polk
Polk City Refuge	Polk
Smith Area	Pottawattamie
McCausland	Scott
Princeton Area	Scott
Prairie Rose Lake	Shelby
Otter Creek Marsh	Tama
Green Valley Lake	Union
Three Mile Lake	Union
Lake Sugema	Van Buren
Rice Lake Area	Winnebago
Snyder Lake	Woodbury
Elk Creek Marsh	Worth
Lake Cornelia	Wright

*b.*—It shall be unlawful to trespass in any manner on the following areas, where posted, anytime year around, except that department personnel and law enforcement officials may enter the area at any time in performance of their duties, and hunters under the supervision of department staff may enter when specifically authorized by the department of natural resources.

<u>Area</u>	<u>County</u>
Middle River Wildlife Area (formerly Banner Pits)	Warren
Black Hawk Bottoms Wildlife Area	Des Moines

~~c. It shall be unlawful to trespass in any manner on the following areas or portion of the areas during the time of the year they are posted as refuges. Department personnel and law enforcement officials may enter the area at any time in performance of their duties, and hunters under the supervision of department staff may enter to retrieve dead or wounded game animals when specifically authorized by the department.~~

<u>Area</u>	<u>County</u>
Gladys Black Eagle Refuge .....	Marion

ITEM 2. Adopt the following new subrules 52.1(3) and 52.1(4):

**52.1(3) *Waterfowl refuges.*** The following areas under the jurisdiction of the department of natural resources are established as waterfowl refuges where posted. It shall be unlawful to hunt ducks and geese on the following areas, where posted, at any time during the year. It shall be unlawful to trespass in any manner on the following areas, where posted, during the dates posted, both dates inclusive, except that department personnel, law enforcement officials, and other persons specifically authorized by the department of natural resources may enter the area at any time in performance of their duties, and hunters, under the supervision of department staff, may enter the area when specifically authorized by the department of natural resources.

<u>Area</u>	<u>County</u>
Lake Icaria .....	Adams
Pool Slough Wildlife Area .....	Allamakee
Rathbun Area .....	Appanoose, Lucas, Wayne
Sedan Bottoms .....	Appanoose
Sweet Marsh .....	Bremer
Big Marsh .....	Butler
Ventura Marsh .....	Cerro Gordo
Round Lake .....	Clay
Jemmerson Slough Complex .....	Dickinson
Forney Lake .....	Fremont
Riverton Area .....	Fremont
Dunbar Slough .....	Greene
Bays Branch .....	Guthrie
Crystal Hills .....	Hancock
Eagle Flats .....	Hancock
Eagle Lake .....	Hancock
Green Island Area .....	Jackson
Muskrat Slough .....	Jones
Red Rock Area .....	Marion, Polk, Warren
Badger Lake .....	Monona
Chichaqua Area .....	Polk
McCausland .....	Scott
Princeton Area .....	Scott
Otter Creek Marsh .....	Tama
Three Mile Lake .....	Union
Lake Sugema .....	Van Buren
Rice Lake Area .....	Winnebago
Snyder Bend Lake .....	Woodbury
Elk Creek Marsh .....	Worth

**52.1(4) *Restricted areas.*** It shall be unlawful to trespass in any manner on areas posted as restricted areas, except that department personnel, law enforcement officials, and other persons specifically authorized by the department of natural resources may enter the area at any time in performance of their duties.